

Notice of Non-Responsive Amendment

1. The amendment filed April 21, 2009, is non-responsive for the following reason:

The amendment filed April 21, 2009, would amend all claims, which were previously drawn to the elected invention, so as to present only claims drawn to a non-elected invention.

The claim, as would be amended, is not readable on the elected invention for the following reasons:

Claim 32 as would be amended is directed to a method comprising introducing into dendritic cells a polynucleotide encoding a polypeptide comprising SEQ ID NO: 2.

In contrast, the originally presented claim was directed to a method comprising introducing into dendritic cells a polynucleotide encoding a polypeptide comprising SEQ ID NO: 1.

According to the annotations in the Sequence Listing, SEQ ID NO: 2 is the amino acid sequence of a mouse protein and SEQ ID NO: 1 is the amino acid sequence of a human protein.

As such, it is apparent that the breadth of claim 32, as would be amended, differs substantially from the breadth of the originally presented claim and examination of the amended claims would require new and different considerations and searches, which were not before necessary. Therefore, examination of the claim, as would be amended, would be unduly burdensome.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Accordingly, after entry of the amendment, all remaining claims would be withdrawn from consideration as being directed to non-elected inventions, and therefore the amendment, which presents only claims drawn to such non-elected inventions, is non-responsive. See 37 CFR 1.142(b) and MPEP § 821.03.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer,

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within which to supply the omission or correction in order to avoid abandonment.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, Ph.D. can be reached on (571) 272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Stephen L. Rawlings/
Primary Examiner, Art Unit 1643

slr
August 28, 2009